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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

UNIXIZ, Inc., a corporation doing business  
as i-Dressup.com, and

ZHIJUN LIU and XICHEN ZHANG,  
individually and as officers of UNIXIZ,  
Inc.,

Defendants.

Case No. 5:19-cv-2222

**COMPLAINT FOR CIVIL PENALTIES,  
PERMANENT INJUNCTION, AND  
OTHER EQUITABLE RELIEF**

1 Plaintiff, the United States of America, acting upon notification and on behalf of the  
2 Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges that:

3 1. Plaintiff brings this action under Sections 5(a)(1), 5(m)(1)(A), 13(b), and 16(a) of  
4 the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), and  
5 56(a), and Sections 1303(c) and 1306(d) of the Children’s Online Privacy Protection Act of 1998  
6 (“COPPA”), 15 U.S.C. §§ 6502(c) and 6505(d), to obtain monetary civil penalties, a permanent  
7 injunction, and other equitable relief for Defendants’ violations of Section 5 of the FTC Act, 15  
8 U.S.C. § 45, and the Children’s Online Privacy Protection Rule (“Rule” or “COPPA Rule”), 16  
9 C.F.R. Part 312.  
10

11 **JURISDICTION AND VENUE**

12 2. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §§  
13 1331, 1337(a), 1345, and 1355, and under 15 U.S.C. §§ 45(m)(1)(A), 53(b), and 56(a).  
14

15 3. Venue is proper in the Northern District of California under 15 U.S.C. § 53(b) and  
16 28 U.S.C. §§ 1391(b) – (d) and 1395(a).  
17

18 **INTRADISTRICT ASSIGNMENT**

19 4. The conduct at issue in this action took place in substantial part in Santa Clara  
20 County.  
21

22 **SECTION FIVE OF THE FTC ACT**

23 5. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair and deceptive  
24 acts or practices in or affecting commerce.  
25

26 **THE CHILDREN’S ONLINE PRIVACY PROTECTION ACT RULE**

27 6. Congress enacted COPPA in 1998 to protect the safety and privacy of children  
28 online by prohibiting the unauthorized or unnecessary collection of children’s personal  
Complaint for Civil Penalties

1 information online by operators of Internet Web sites and online services. COPPA directed the  
2 Commission to promulgate a rule implementing COPPA. The Commission promulgated the  
3 COPPA Rule on November 3, 1999, under Section 1303(b) of COPPA, 15 U.S.C. § 6502(b), and  
4 Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. The Rule went into effect on  
5 April 21, 2000. The Commission promulgated revisions to the Rule that went into effect on July  
6 1, 2013. Pursuant to Section 1303(c) of COPPA, 15 U.S.C. § 6502(c), and Section 18(d)(3) of  
7 the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act  
8 or practice in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. §  
9 45(a).  
10

#### 11 **DEFENDANTS**

12 7. Defendant Unixiz, Inc., which also does business as i-Dressup.com (“i-Dressup”),  
13 is a California corporation established on June 27, 2016, with its principal place of business in  
14 Mountain View, California. Unixiz, Inc. transacts or has transacted business in this district and  
15 throughout the United States. At all times material to this Complaint, acting alone or in concert  
16 with others, Unixiz, Inc. has advertised, marketed, and distributed its online content and website  
17 activities to consumers throughout the United States. Prior to the establishment of Unixiz, Inc.,  
18 Defendant Liu and Defendant Zhang owned and operated i-Dressup as an unincorporated  
19 business from January 2016 to June 2016. From 2008 to 2015, Intellineur, Inc., a predecessor  
20 California corporation formed by Defendant Zhang, operated i-Dressup.com. Defendant Zhang  
21 was the Chief Executive Officer of Intellineur, Inc. and Defendant Zhijun Liu was Intellineur’s  
22 Registered Agent. Intellineur, Inc. was dissolved in December 2015.  
23  
24

25 8. Defendant Zhijun Liu is the Chief Executive Officer and the Chief Financial  
26 Officer of Unixiz, Inc. At all times material to this Complaint, acting alone or in concert with  
27  
28

1 others, he has formulated, directed, controlled, had the authority to control, or participated in the  
2 acts or practices of Unixiz, Inc. d/b/a i-Dressup.com, including the acts or practices set forth in  
3 this Complaint. Defendant Liu, in connection with the matters alleged herein, transacts or has  
4 transacted business in this district and throughout the United States.

5  
6 9. Defendant Xichen Zhang is the Secretary of Unixiz, Inc. At all times material to  
7 this Complaint, acting alone or in concert with others, she has formulated, directed, controlled,  
8 had the authority to control, or participated in the acts or practices of Unixiz, Inc. d/b/a  
9 i-Dressup.com, including the acts or practices set forth in this Complaint. Defendant Zhang, in  
10 connection with the matters alleged herein, transacts or has transacted business in this district  
11 and throughout the United States.

### 12 **COMMERCE**

13  
14 10. At all times material to this Complaint, Defendants have maintained a substantial  
15 course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act,  
16 15 U.S.C. § 44.

### 17 **DEFENDANTS’ BUSINESS PRACTICES**

18 11. Defendants operated i-Dressup.com, a website where users including children  
19 played dress up games, designed clothes, and decorated their space. In addition, by  
20 participating in i-Dressup’s online community, users would make friends and blog. i-Dressup’s  
21 online community encouraged users to “explore their creativity and fashion sense with unique  
22 personal profiles.”

23  
24 12. i-Dressup allowed users to register as members. When a user first registered as a  
25 member, i-Dressup required the user to submit a user name, password, birthdate, and email  
26 address. If a prospective member indicated that he/she was over 13, the member had access to  
27

1 all of the features of the website, including the ability to participate in i-Dressup's social  
2 features, such as writing about themselves and their interests on an "About Me" page, creating  
3 blog posts, adding friends, and sending direct online messages.

4       13. If a prospective member submitted a birthdate that indicated that he/she was under  
5 13, the heading for the email field on a registration screen changed in real-time to "Parent's  
6 Email." Once the under-13 user entered a user name, password, birthdate, and email address and  
7 he/she clicked the "Join Now" button, i-Dressup collected the registration information entered  
8 and sent an email notice to the email address entered in the "Parent's Email" field.

9       14. The email notice described the i-Dressup website, along with the social features  
10 that were available only if the parent provided consent.

11       15. The email notice contained a hyperlink through which i-Dressup sought consent  
12 from a parent to activate i-Dressup's social features. If the recipient of the parental email notice  
13 clicked on the hyperlink in the email, he/she was taken to an online screen that contained the  
14 child's user name and a pre-populated activation code. The individual receiving the parental  
15 email could consent by clicking the "Activate Now!" button on this screen.

16       16. If a parent did not provide consent, Defendants provided these under-13 users  
17 with "Safe Mode" membership which allowed them to login to access all of i-Dressup's doll-  
18 related games and features, but not its social features. Defendants collected the Safe Mode  
19 members' registration information, such as their user name, password, and birthdate, and allowed  
20 child members to provide Defendants, through the account settings webpage, their first and last  
21 name and gender. Under-13 users could remain Safe Mode members indefinitely, and  
22 Defendants retained the child's personal information as well as the parent's email address, even  
23 if the child's parent did not provide consent.

1           17. As of January 1, 2016, i-Dressup had at least 2.1 million users, of which  
2 approximately 245,000 entered an under 13 birthdate.

3                           **DEFENDANTS ARE SUBJECT TO THE COPPA RULE**

4           18. For purposes of Paragraphs 6 through 35, herein, the terms “child,” “collects,”  
5 “collection,” “disclosure,” “Internet,” “online contact information,” “operator,” “parent,”  
6 “personal information,” “obtaining verifiable consent,” and “Web site or online service directed  
7 to children,” are defined as those terms are defined in Section 312.2 of the COPPA Rule, 16  
8 C.F.R. § 312.2.

9           19. The COPPA Rule applies to any operator of a commercial Web site or online  
10 service directed to children that collects, uses, and/or discloses personal information from  
11 children, or on whose behalf such information is collected or maintained, and to any operator of  
12 a commercial Web site or online service that has actual knowledge that it collects, uses, and/or  
13 discloses personal information from children. Defendants operated i-Dressup.com, which was a  
14 Web site directed to children. i-Dressup stated that “[m]ost of our members are girls and boys  
15 between 7 and 17.” Because Defendants collected personal information from users who  
16 indicated that they are under thirteen years of age when they registered with i-Dressup,  
17 Defendants also have actual knowledge that they collected personal information from children  
18 through i-Dressup.

19           20. The COPPA Rule defines “personal information” to include, among other things,  
20 a first and last name; a home or other physical address including street name and name of a city  
21 or town; online contact information (i.e., an email address or other substantially similar identifier  
22 that permits direct contact with a person online, such as an instant messaging user identifiers,  
23 screen name, or user name); a persistent identifier that can be used to recognize a user over time  
24

1 and across different Web sites or online services; a photograph, video, or audio file where such  
2 file contains a child's image or voice; or information concerning the child or parents of that child  
3 that the operator collects online from the child and combines with an identifier described in this  
4 definition. Through i-Dressup.com, Defendants collected personal information as defined in the  
5 Rule in the form of first and last name, an email address, and the child's user name that the child  
6 can use to communicate with other users. They also collected other information that they  
7 combined with this information, such as passwords. Finally, they "collected" personal  
8 information under the Rule by enabling children to make personal information publicly available  
9 via i-Dressup's social features.  
10

11 21. Because Defendants collected and maintained personal information from their  
12 users through i-Dressup, Defendants are operators as defined by the COPPA Rule, 16 C.F.R. §  
13 312.2.  
14

15 22. Among other things, the Rule requires that an operator of a child-directed Web  
16 site or online service meet specific requirements prior to collecting online, using, or disclosing  
17 personal information from children, including but not limited to:

- 18 a. posting a privacy policy on its Web site or online service providing clear,  
19 understandable, and complete notice of its information practices, including what  
20 information it collects from children, how it uses such information, and its  
21 disclosure practices for such information, and other specific disclosures set forth  
22 in the Rule such as the operator's contact information;  
23  
24 b. providing clear, understandable, and complete notice of its information practices,  
25 directly to parents including specific disclosures about the operator's obligation to  
26  
27  
28

delete parental online contact information if consent is not obtained and a  
hyperlink to the privacy policy;

- c. obtaining verifiable parental consent prior to collecting, using, and/or disclosing personal information from children;
- d. deleting the parental online contact information if no consent was obtained; and
- e. establishing and maintaining reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

### **DEFENDANTS' COPPA VIOLATIONS**

23. Defendants' privacy policy failed to include information that the COPPA Rule requires operators of child-directed Web sites to disclose, such as the operator's name, address, telephone number and email address.

24. Defendants' direct notice failed to include the content that the COPPA Rule requires. Among other things, Defendants' direct notice failed to include a hyperlink to i-Dressup's privacy policy and failed to inform the recipient that if he/she did not provide consent within a reasonable time, from the date that the direct notice was sent, Defendants would delete the parent's online contact information from i-Dressup's records. In fact, contrary to COPPA's requirements, Defendants did not delete the parent's online contact information, but kept it indefinitely.

25. Defendants failed to obtain verifiable parental consent. For Safe Mode members, Defendants failed to obtain *any* parental consent, even though such members were covered by COPPA. For other members, the purported parental consent method was inadequate because it was not reasonably calculated to ensure that the person providing consent was the child's parent, as required by the COPPA Rule.

1           26. Defendants engaged in a number of practices that, taken together, failed to  
2 provide reasonable and appropriate data security to protect the personal information collected  
3 from consumers, including children through i-Dressup.com. Among other things, Defendants:

- 4           a. failed to adequately assess the vulnerability of its web applications and network to  
5 commonly known or reasonably foreseeable attacks, such as “Structured Query  
6 Language” (“SQL”) injection attacks;  
7  
8           b. stored and transmitted users’ personal information as well as other information  
9 submitted by users, including account passwords, in clear text;  
10  
11           c. failed to implement an intrusion detection and prevention system, or similar  
12 safeguards, to alert Defendants of potentially unauthorized access to their  
13 computer network; and  
14  
15           d. failed to monitor logs to identify potential security incidents.

16           27. In late September 2016, Defendants learned that a hacker had accessed their  
17 computer network, and accessed the personal information of consumers, including children who  
18 used i-Dressup. In August, the hacker remotely accessed Defendants’ network, where  
19 Defendants stored in clear text, among other things, users’ user name, password, email address,  
20 full name, gender, and date of birth. The hacker accessed information of approximately  
21 2,125,000 users, including 245,000 users who indicated they were under the age of 13.

22           28. The hacker gained access to Defendants’ computer network by exploiting  
23 commonly known and reasonably foreseeable vulnerabilities.

24           29. Defendants were unaware that the personal information of any consumers had  
25 been accessed from their computer network until the hacker sent the hacked data to journalists.  
26 One of the journalists, in turn, attempted to contact Defendants, but, after having received no  
27

response from Defendants for five days, subsequently contacted Defendant's web hosting provider, who notified i-Dressup.

30. Defendants could have addressed the failures described in Paragraph 26 by implementing readily available and relatively low-cost security measures.

**COUNT I (COPPA)**

31. Defendants collected personal information from children under the age of 13 through the i-Dressup Web site, which Defendants operated and was directed to children. Moreover, because Defendants collected children's birthdate and year, Defendants had actual knowledge that children used this online site.

32. In numerous instances, in connection with the acts and practices described above, Defendants collected, used, and/or disclosed personal information from children in violation of the Rule, including by:

- a. Failing to provide sufficient notice on its Web site or online services of the information it collects, or is collected on their behalf, online from children, how it uses such information, its disclosure practices, and all other required content, in violation of Section 312.4(d) of the Rule, 16 C.F.R. § 312.4(d);
- b. Failing to provide sufficient direct notice to parents of the information Defendants collect, or information that has been collected on Defendants' behalf, online from children, how it uses such information, its disclosure practices, and all other required content, in violation of Section 312.4(b) and (c) of the Rule, 16 C.F.R. § 312.4(b)-(c);
- c. Failing to obtain verifiable parental consent in violation of Section 312.5 of the Rule, 16 C.F.R. § 312.5;

d. Failing to delete online contact information of the parent after having failed to obtain consent, in violation of Section 312.5(c)(1) of the Rule, 16 C.F.R. § 312.5(c)(1); and

e. Failing to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children, in violation of Section 312.8 of the Rule, 16 C.F.R. § 312.8.

Therefore, Defendants have violated the Rule, 16 C.F.R. Part 312.

33. Pursuant to Section 1303(c) of COPPA, 15 U.S.C. § 6502(c), and Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

**THIS COURT'S POWER TO GRANT RELIEF**

34. Defendants violated the Rule as described above with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

35. Each collection, use, or disclosure of a child's personal information in which Defendants violated the Rule in one or more ways described above constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

36. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, sec. 701, 129 Stat. 599 (2015), and Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not more than \$41,484 for each such violation of the Rule assessed after January 22, 2018.

Wherefore, Plaintiff United States of America, pursuant to Sections 5(a)(1), 5(m)(1)(A), 13(b), and 16(a) of the FTC Act, 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), and 56(a) and the Court's own equitable powers, requests that the Court:

B. Award Plaintiff monetary civil penalties from Defendants for each violation of the Rule alleged in this Complaint; and

C. Award other and additional relief the Court may determine to be just and proper.

## Complaint for Civil Penalties

**FOR THE FEDERAL TRADE  
COMMISSION:**

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**FOR PLAINTIFF  
THE UNITED STATES OF AMERICA:**

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**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kendrack D. Lewis; P.O. Box 386 Washington, DC 20044;  
202-353-3881; kendrack.lewis@usdoj.gov**DEFENDANTS**Unix, Inc., a corporation doing business as i-Dressup.com;  
Zhijun Liu, and Xichen ZhangCounty of Residence of First Listed Defendant Santa Clara County  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Stacy Brandenburg; 202-706-5220; stacey@zwillgen.com  
Kandi Parsons; 202-706-5213; kandi@zwillgen.com**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party)
- 2 U.S. Government Defendant 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff  
and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	<b>LABOR</b>	<b>PROPERTY RIGHTS</b>	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	<b>SOCIAL SECURITY</b>	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	<b>IMMIGRATION</b>	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/ Exchange
196 Franchise	<b>CIVIL RIGHTS</b>	465 Other Immigration Actions	864 SSID Title XVI	<input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	440 Other Civil Rights		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	441 Voting		<b>FEDERAL TAX SUITS</b>	893 Environmental Matters
220 Foreclosure	442 Employment		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	443 Housing/ Accommodations		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	445 Amer. w/Disabilities— Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	446 Amer. w/Disabilities—Other			950 Constitutionality of State Statutes
290 All Other Real Property	448 Education			
	<b>PERSONAL INJURY</b>			
	365 Personal Injury—Product Liability			
	367 Health Care/ Pharmaceutical Personal Injury Product Liability			
	368 Asbestos Personal Injury Product Liability			
	<b>PERSONAL PROPERTY</b>			
	370 Other Fraud			
	371 Truth in Lending			
	380 Other Personal Property Damage			
	385 Property Damage Product Liability			
	<b>PRISONER PETITIONS</b>			
	463 Alien Detainee			
	510 Motions to Vacate Sentence			
	530 General			
	535 Death Penalty			
	<b>OTHER</b>			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee— Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

The Federal Trade Commission Act: 15 U.S.C §§ 45(a)(1), 45(m)(1)(A), 53(b) and 56(a), and 15 U.S.C §§ 6502(c) and 6505(d) of the Children's Online Privacy Protection Act

Brief description of cause:

Violation of the Children's Online Privacy Protection Act

**VII. REQUESTED IN COMPLAINT:**CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$ 35,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: Yes ☒ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT** (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

☒ SAN JOSE

EUREKA-MCKINLEYVILLE

DATE

4/24/2019

SIGNATURE OF ATTORNEY OF RECORD

